



**LAW ENFORCEMENT AND VICTIM SERVICES DIVISION
GOVERNOR'S OFFICE OF EMERGENCY SERVICES**

3650 SCHRIEVER AVENUE
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Phone: (916) 323-7736
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November 5, 2008

Kern County District Attorney's Office
Lisa Green
Deputy District Attorney
1215 Truxtun Avenue
Bakersfield, California 93301

RE: Site Visit – Vertical Prosecution Block Grant

Dear Ms. Green:

I would like to take the opportunity to thank you for the site visit conducted on October 28, 2008, at the Kern County District Attorney's Office. Please find attached my report summarizing the results of the site visit.

In addition to the Performance Site Visit, the Governor's Office of Emergency Services staff was provided the opportunity to get better acquainted with the Kern County District Attorney's Office, which is always a pleasure.

I found your site to be in good order, and will continue to work with you and other members of the Kern County District Attorney's Office to ensure the future success of the Vertical Prosecution Block Grant program. Should you have any question, please do not hesitate to contact me at (916) 323-7736.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leona LaRoche", written over a dark, rectangular background.

LEONA LAROCHELLE
Criminal Justice Specialist
Crime Suppression Section

Enclosure

c: Kirby Everhart
OES Grant file
VB08 File –Kern County

OFFICE OF EMERGENCY SERVICES

PERFORMANCE SITE VISIT

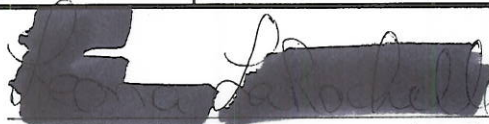
GRANT NUMBER	GRANT AWARD PERIOD	GRANT AWARD AMOUNT
VB08060150	7/1/08 – 6/30/08	\$444,020

PROGRAM NAME:	VERTICAL PROSECUTION BLOCK GRANT
PROJECT TITLE:	Statutory Rape/ Major Narcotic Vertical Prosecution

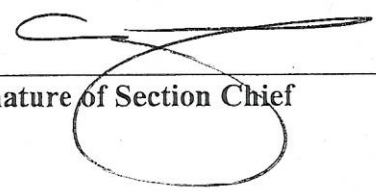
(1) ADMINISTRATIVE AGENCY:	County of Kern
(2) IMPLEMENTING AGENCY:	District Attorney's Office
(3) PROJECT DIRECTOR:	Lisa S. Green
Address:	1215 Truxtun Avenue 4 th Floor Bakersfield, CA 93301
Phone:	(661) 868-2309
DATE OF VISIT: 10/28/08	Visit Conducted By: LEONA LAROCHELLE

PERSON(S) INTERVIEWED/CONTACTED DURING THE VISITATION

Date	Name	Title	Telephone/E-Mail Address
10/28/08	Michael Saleen	Chief Deputy District Attorney	(661) 868-2340
10/28/08	Lisa S. Green	Deputy District Attorney	(661) 868-2761
10/28/08	Elsa T. Martinez	Administrative Services Officer	(661) 868-2703
10/28/08	Tracy Silas	Accountant	(661) 868-2702


Signature of OES Representative Conducting the Visit

11-5-08
Date


Signature of Section Chief

11/7/08
Date

PROGRAM VISITATION FORM

I. PROGRAMMATIC REVIEW

A. General

- | | YES | NO | N/A |
|--|-------------------------------------|--------------------------|--------------------------|
| 1. Does the project being visited fit within one of the Following categories? (check only one) [✓] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 2 nd Year; |
| <input type="checkbox"/> | 3 rd Year; |
| <input checked="" type="checkbox"/> | Over four years; (Please specify) <u>13</u> years. |

2. Operational Documentation

Does the project have current versions of the:

- | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Recipient Handbook | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Grant Award Agreement | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. Goals, Objectives, and Project Activities

(Review the project's responses to the goals, objectives, and activities of the Grant Award Agreement)

- | | | | |
|--|-------------------------------------|-------------------------------------|--------------------------|
| a. Has there been any <u>significant changes</u> in the way the project implements or sustains the objectives, and activities of this program?
<i>If yes, has the project discussed the possibility of submitting a grant award modification?</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Is the project making satisfactory progress toward achieving the goals and objectives. If not, please explain. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

4. Progress Reporting

(Review the progress report format, content, and submission requirements)

- | | | | |
|--|-------------------------------------|--------------------------|--------------------------|
| a. Has the project submitted all required reports on time? If not, please explain | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Has the project kept accurate source documentation to support statistical data on the PR? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PROGRAM VISITATION FORM

I. PROGRAMMATIC REVIEW (continued)

A. General (continued)

YES NO N/A

5. Programmatic Source Documentation

(Review documents maintained by project that represents data reported on PRs)

- a. Has the project developed an information retrieval system that provides accurate data?
(This system may be automated or manual)

☒ ☐ ☐

Criminal Justice Information System (CJIS)

- b. Does the project use data summary sheets or other concrete documents that validate project performance/direct support?

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Excel spreadsheets

6. Project Staff Duties & Responsibilities

(Assure that project staff have made other project staff available for interviews during the visitation)

- a. Have all grant funded project staff positions been filled? If no, please explain.

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New SRVP Attorney, Michael Rogers. Will list in First Progress Report in January

- b. Are job descriptions "project specific", rather than a copy of the "county, local agency job position or classification description?"

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Received project specific job descriptions attached

- c. Do project staff meet all special skill certifications required?

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- d. Are staff performing duties discussed in the Grant Award Agreement?

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- e. Have project staff assumed duties for more than one OES funded project? If yes, please explain.

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Investigator split/ Attorney split- 80% on MN

- f. Are there any programmatic problems that are unique to this project? If yes, please explain.

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Kern is a large county and cases must be filed within county jurisdiction. Attorney must travel within a two hour radius for trials

PROGRAM VISITATION FORM

II. ADMINISTRATIVE REVIEW

	YES	NO	N/A
A. General			
1. Program Files			
a. Is the project familiar with preparation requirements for the following frequently used OES forms:			
(1) OES Form 223, Grant Award Modification	X		
(2) OES Form 201, Report of Expenditures and Request for Funds	X		
2. Personnel Policies			
a. Are written personnel policies in place & available to all employees? <i>Orientation seminars. Supervisor training every 2 years.</i>	X		
b. Do these policies discuss work hours, compensation rates, including overtime, and benefits; vacation, sick or other leave allowances, hiring and promotional policies? <i>Available online to every employee</i>	X		
B. Financial Requirements			
1. Functional Time Sheets			
a. Does the project use the OES Functional Time Sheet for all project positions employed less-than fulltime? <i>They use their own time cards</i>		X	
b. Are functional time sheets completed correctly? <i>Supervisor must review and approve every one</i>	X		
2. Duties of the Financial Officer			
a. Has the project taken steps to assure that the duties of the financial officer are separate from that of the project director? (Separation of duties)	X		

PROGRAM VISITATION FORM

II. ADMINISTRATIVE REVIEW (continued)

B. Financial Requirements (continued)

	Yes	No	N/A
b. Do the financial officer and project director interact successfully on project expenditure decisions? <i>They have a good working relation</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Program Match Requirements (Check this block if N/A) ▶▶		<input type="checkbox"/> N/A	
a. This project has the following match requirement:			
Cash match	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
In kind match	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
A combination of the above, approved by OES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
b. Has the project provided documentation that verifies the use of local funds to satisfy match requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A

C. Financial Source Documentation

1. Does the project maintain updated budget pages on all approved grant award modifications? <i>Hard copy files are maintained of all documentation</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the project maintain Confidential Funds? If so, are protective safeguards and policies in place?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. If project income is acquired, is it tracked and reported? If no, please explain	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Has the project submitted Reports of Expenditures on time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Are there other issues concerning project expenditures and reporting? If so, please explain.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROGRAM VISITATION FORM

II. ADMINISTRATIVE REVIEW (continued)

D. Equipment

1. Acquisition

	Yes	No	N/A
a. Are equipment purchases authorized budget items?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Was equipment purchased in accordance with the Grant Award Agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project maintain inventory control logs of equipment purchased with grant funds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

E. State/Federal Administrative Requirements

1. Mandated State and Federal Programs

(Determine whether or not the following documents are posted at the site visited)

a. A current Equal Employment Opportunity (EEO) Policy Statement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A current "Harassment or Discrimination in Employment is Prohibited by Law" poster?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. A current Drug-Free Workplace Policy statement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. PROGRAMMATIC, ADMINISTRATIVE, AND FINANCIAL DISCUSSIONS

(Provide a summary of observations, findings, and recommendations made during the visit)

On October 28, 2008, Leona LaRochelle, Office of Emergency Services (OES), Program Specialist, conducted a site visit of the Vertical Prosecution Block Grant (VB) at Kern County District Attorney's Office. Kern County operates two components of the VB Program: 1) the Statutory Rape, 2) the Major Narcotic Vendor Prosecution program. In attendance was: Michael Saleen, Chief Deputy District Attorney; Lisa Green, Deputy District Attorney; Elsa Martinez, Administrative Services Officer; and Tracy Silas, Accountant.

Kern County District Attorney (DA) has been working with the Vertical Prosecution Block Grant for thirteen years. This Fiscal Year 08/09, the Statutory Rape program will be replacing its attorney with Michael Rogers. The Progress Report due in January of 2009 will officially notice OES of the change in prosecuting Attorney.

Kern County covers an area of 8,000 square miles, and is one of the largest counties in California. The VB Project is well established in the Kern County district. Bakersfield is the hub of the Kern County District Attorney's Office, but there are many branch courts in surrounding communities staffed by Resident Deputy District Attorneys. Cases originating in these outlying communities are included in the VB project process, but the filing decision is ultimately made by the VB Project Attorney at the Superior Court in Bakersfield. The Resident Deputy District Attorneys at these branch courts are not able to participate in felony cases once the defendant is assigned to the Vertical Prosecution Program. The case responsibility therefore, is transferred to the VB Project DA at Superior Court in Bakersfield, and the VB Project DA must travel to the outlying courts for hearings the proceedings.

Kern County District Attorney's Office receives funding for three additional OES funded projects: Rural Crimes, Anti-Drug Abuse Enforcement, and Violence Against Women Program.

The Equal Employment Opportunity (EEO) Policy checklist was covered and relevant documentation collected. All required posters were posted; EEO Policy Statement, Sexual Harassment, Nondiscrimination and Drug Free Workplace. Every employee is required to go to an Orientation Seminar and sign the required documentation. The District Attorney is required to attend the seminar every year, and the Supervising Deputy District Attorney is required to attend every two years. All required employee policies are also posted online for employee access at any time.

Elsa Martinez provided OES staff with a tour of the DA's office, from filing to sentencing. Tracy Silas provided OES staff with a review of grant files, as well as an explanation on how statistical information was collected and maintained.

OES staff found the site to be in good order, wherein the objectives and goals were being met.

STATUTORY RAPE VERTICAL PROSECUTION DEPUTY DISTRICT ATTORNEY

(SRVP PROGRAM)

The Statutory Rape Vertical Prosecution (SRVP) Deputy District Attorney shall be a felony trial attorney and perform the "typical tasks" commensurate with the job specifications as outlined in the Personnel Policies of the Office. In addition, the assigned deputy district attorney shall be responsible for the following specific tasks associated with the Program:

- a. Review and file cases submitted for prosecution by law enforcement agencies
- b. Prosecute cases investigated and prepared by member agencies of the Project. Project cases will be vertically prosecuted unless not feasible.
- c. Assist officers assigned to the Project in the investigation and development of Project cases and give advice regarding witness/informant management.
- d. Train and educate officers assigned to the Project relative to the prosecution function and applicable laws and procedures.
- e. Track and maintain for record keeping and reporting purposes those cases referred and/or accepted, through conclusion, for prosecution. Assist and coordinate tracking and record keeping activities with Project member agencies. Assist and coordinate activities so that Project members achieve their program objectives.
- f. Seek the most appropriate sentence for convicted Project defendants consistent with the goals and purposes of the SRVP Project.

STATUTORY RAPE

GRANT SPECIFIC JOB DESCRIPTION

There are three (3) major job functions that are necessary for the Investigator assigned to the Statutory Rape Grant.

1. Investigations - As necessary, cases are assigned to the investigator by the grant attorney. If the attorney decides that there is additional investigation that should be completed, new information/evidence has been discovered, or often times the investigator is asked to be present during an interview with the victim and/or family, especially if there is reason to believe additional information will be disclosed during the interview. It is the responsibility of the investigator to either make a written report of the contact/interview with the victim, or note the contact on a Victim Contact form, to be placed in the file.
2. Referrals - Referrals are often received from Department of Human Services regarding applicants for aid that are realized to be under the age of eighteen and the non-custodial parent is listed as an adult. Department of Human Services, forwards a copy of the application with the necessary information to the grant attorney. The grant attorney then forwards the referral to the investigator. The investigator then reviews the information and checks local resources to determine if it has already been reported or investigated by the appropriate law enforcement agency. If it is determined the case has not been reported, the investigator completes a law enforcement referral and then forwards the referral to the appropriate agency for investigation. It is the goal that once it is reported to law enforcement that the referral will be forwarded back to the District Attorney's Office for prosecution. It is incumbent upon the investigator to track these cases to determine if they are eventually prosecuted.

Often times referrals are received via private citizen wanting to report an incident. The investigator either obtains the necessary information from the reporting party and then notifies the appropriate agency for investigation or the reporting party is referred directly to the appropriate law enforcement agency.

MNVP ATTORNEY: JOB DESCRIPTION

1. The Attached "Deputy District Attorney IV" Job Description shall apply to all Deputy District Attorneys assigned to the Major Narcotic Vendor Prosecution Program.

2. In addition, specific tasks for MNVP attorneys are as follows:

a. Assist law enforcement in the evaluation and preparation of cases to be accepted for MNVP. Prepare or supervise law enforcement preparation of pre-trial bail motions, including "PC 1275" holds. Coordinate filing of holds with the jail. Assist law enforcement in the preparation of search warrants, including sealed affidavits.

b. File cases for MNVP. Cases may originate from law enforcement or be referred from the general filing deputies. Be knowledgeable about the state criteria for MNVP prosecution and select those defendants who are eligible for MNVP classification. Follow state guidelines for maximum sentencing and minimum time from arrest to sentence.

c. Prosecute all MNVP cases under vertical prosecution guidelines - including appearances at all major prosecution functions, including but not limited to bail hearings, preliminary examination, motions (confidential informant, motions to suppress, motions to dismiss, etc.), Grand Jury indictments, jury and court trials and sentencing. In the course of that prosecution, review evidence and prepare exhibits for court. Prepare and file charging documents, written motions and responses, sentencing statements, and other court papers. Maintain proficiency in specialized areas including search and seizure and informants. Coordinate prosecutions with the criminalistics laboratory and criminalists and with appropriate technical investigations sections of law enforcement for fingerprint, handwriting and other analyses.

d. Participate in and cooperate with joint federal/state narcotics investigations and prosecutions including those initiated by multi-agency Task Force units.

e. Maintain all source documentation required for preparation of MNVP reports to OCJP, in particular the "DDI" (Defendant Data Information) for each defendant and the section calendar. Assist in preparation of all reports to OCJP to insure they are accurate

MNVP INVESTIGATOR: JOB DESCRIPTION

1. The Attached "District Attorney's Investigator III" job description shall apply to all Investigators assigned to the Major Narcotic Vendor Prosecution Program.

2. In addition, specific tasks for MNVP Investigator are as follows:

a. Investigate and develop cases originating with the DA's office. Perform follow-up investigation in other MNVP cases, including contact and coordination with other law enforcement agencies both inside and outside Kern County and, as needed, in other states and countries. Cooperate with all law enforcement agencies involved in narcotics law enforcement, including federal and local task forces.

b. Interview witnesses and provide other witness services, including interpreters, transportation, and similar duties as requested by MNVP prosecutors. Assist in procuring witness attendance both from Kern County and California as well as out-of-state.

c. Interview and evaluate information from persons who seek to cooperate with law enforcement in the apprehension of narcotics traffickers on a confidential basis.

d. Maintain proficiency in all areas of narcotics law enforcement, including expertise in the areas of narcotics for sale, interdiction and smuggling, organized crime and syndicates, informant management, witness and suspect interviewing techniques, and firearms identification and use.

e. Assist in preparation of cases for Grand Jury, preliminary hearings and jury trials, including photographs, diagrams, and certified documents. Assist in development and management of advanced media materials, including use of photo CD equipment.

f. Appear in court as a witness, including as an expert witness.

g. Train other officers and prosecutors in narcotics investigations and preparation of narcotics cases for trial.